

REMARKS

In response to the Final Office Action mailed August 15, 2006, Applicants respectfully request entry of this Amendment and reconsideration of the application.

To further the prosecution of this application, each of the rejections presented in the Office Action is responded to below and amendments have been made in the claims. No new matter has been added. The claims as presented are believed to be in condition for allowance.

I. Telephone Conference with Examiner

The undersigned thanks Examiner Hageman for his courtesy in reviewing Applicants' proposed claim amendments submitted via facsimile on October 2, 2006, and for discussing the proposals during a telephone conference on October 11, 2006.

During the telephone conference, the Examiner indicated that the proposed claims appeared to overcome the outstanding rejections under 35 U.S.C. §112. Further, the Examiner indicated that the claims appeared to overcome the outstanding prior art rejections, but that his further consideration of the claims would be required.

The claims have been amended herein as previously proposed.

II. Rejections under 35 U.S.C. §112

In the Office Action, claims 1-23 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

The claims have been amended to address the rejections under 35 U.S.C. §112. Accordingly, withdrawal of these rejections is respectfully requested.

III. Rejections Under 35 U.S.C. §102

In the Office Action, claims 1, 2, 4-10, and 12-21 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,659,509 ("Ashbrook"), claims 1-23 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,908,821 ("Lambert"), and

claims 1-23 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,754,646 ("Henig"). As explained below, independent claims 1, 9, 19 and 20 have been amended to clearly distinguish over the cited references.

a. Independent claim 1

Claim 1 has been amended to recite a "mail sorting bin insert, constructed to be disposed within a mail sorting bin, ... wherein each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin." The amendment is based on subject matter from claim 22 as previously pending. None of the cited references teach or suggest this feature.

In particular, Ashbrook discloses an envelope holder that facilitates grasping and removal of envelopes (lines 1-6). The principal use of the invention is described as holding envelopes within a desk drawer (lines 62-64). The envelope holder is not constructed to be disposed within a mail sorting bin. Rather, the envelope holder is a *freestanding unit*. Accordingly, Ashbrook does not teach or suggest a "mail sorting bin insert, constructed to be disposed within a mail sorting bin, ... wherein each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin," as recited in claim 1.

Lambert discloses a rectangular box 12 (comprising a record keeping tray 10 hinged to a cover 11) having spaced dividers 13 (col. 1, line 62 - col. 2, line 3). As is evident from both the figures and description of Lambert, the maximum height of both the rectangular box 12 and the tray 10 is *much greater* than the maximum height of the dividers 13. Accordingly, Lambert does not teach or suggest a "mail sorting bin insert ... wherein each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin," as recited in claim 1.

Henig discloses a receptacle 1 having a corrugated bottom wall 2 forming notches 7 (col. 3, lines 19-32). The notches 7 receive only the lower edge of letters, such that the letters pivot backwards and rest on end wall 3 (col. 4, lines 40-44). Thus, the maximum height of the receptacle 1 is *much greater* than the maximum height of the notches 7 (and corresponding protrusions). Accordingly, Henig does not teach or suggest a "mail sorting bin insert ... wherein

each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin,” as recited in claim 1.

In view of the foregoing, claim 1 patentably distinguishes over each of Ashbrook, Lambert and Henig. Accordingly, withdrawal of the rejections of claim 1 under 35 U.S.C. §102 is respectfully requested.

Claims 2-8, 22 and 24 depend from claim 1 and are believed to be allowable for at least the same reasons as claim 1.

b. Independent Claim 9

Claim 9 has been amended to recite a “mail sorting bin insert, constructed to be disposed within a mail sorting bin,... wherein each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin.” The amendment is based on subject matter from claim 23 as previously pending. None of the cited references teach or suggest this feature.

In particular, none of the references provide dimensions for the features alleged to correspond to the “at least one substantially vertical section.” Further, as discussed below, there is no suggestion in any of Ashbrook, Lambert and Henig that the alleged “vertical sections” are approximately 11 inches in height.

Ashbrook shows (in Fig. 1) horizontally disposed envelopes E projecting well above the channel-shaped pockets 6. Thus, it may be inferred that the vertical front wall 7 of each channel-shaped pocket 6 is *much smaller* than 11 inches in height.

Lambert discloses that “[i]n order to maintain canceled checks in a neat and orderly fashion in the pockets 14, the length of the pockets is dimensioned to be substantially the same as the length of canceled checks to be received in the pockets.” (col. 3, lines 56-60) It may be inferred from this statement and the figures of Lambert that the height of both the box 12 and tray 10 are each *much smaller* than 11 inches in height.

Henig discloses and illustrates notches 7 as receiving only the lower edge of letters, such that the notches (and corresponding protrusions) are clearly *much smaller* than 11 inches in height (col. 4, lines 40-44).

In view of the foregoing, claim 9 patentably distinguishes over each of Ashbrook, Lambert and Henig. Accordingly, withdrawal of the rejections of claim 9 under 35 U.S.C. §102 is respectfully requested.

Claims 10-13, 15-18 and 25 depend from claim 9 and are believed to be allowable for at least the same reasons as claim 9.

c. Independent Claim 19

Claim 19 has been amended to recite a “mail sorting bin insert, constructed to be disposed within a mail sorting bin,” wherein “each substantially vertical support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin.”

Claim 19 distinguishes over each of the cited references for reasons similar to those discussed in connection with claim 1. Accordingly, withdrawal of the rejections of claim 19 under 35 U.S.C. §102 is respectfully requested.

Claims 23 and 26 depend from claim 1 and are believed to be allowable for at least the same reasons as claim 19.

d. Independent Claim 20

Claim 20 has been amended to recite a “mail sorting bin insert, constructed to be disposed within a mail sorting bin” wherein “the sheet forms a base and at least one upright support having a height of approximately 11 inches.”

Claim 20 distinguishes over each of the cited references for reasons similar to those discussed in connection with claim 9. Accordingly, withdrawal of the rejections of claim 20 under 35 U.S.C. §102 is respectfully requested.

Claims 21 and 27 depend from claim 1 and are believed to be allowable for at least the same reasons as claim 20.

IV. New Claims

New claims 24-27 have been added to further define Applicants' contribution to the art. These claims are supported in the application as filed, e.g. at page 5, lines 26-27.

CONCLUSION

In view of this amendment, Applicants believe the pending application is in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: October 18, 2006

Respectfully submitted,

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